

---

---

**Introduced by Senator Ackerman**

February 19, 2003

---

---

An act to add Title 8.3 (commencing with Section 77800) to the Government Code, and to amend Sections 888, 914, 916, and 934 of, and to repeal Sections 904.4, 904.6, 905, 905.5, 913, 914.1, 914.5, 915, 919, 920, 921, 922, 925, 925a, 926, 927, 928, 929, 930, 931, 932, 933, 933.05, 933.06, 933.1, 933.5, and 933.6 of, the Penal Code, relating to civil grand juries.

LEGISLATIVE COUNSEL'S DIGEST

SB 307, as introduced, Ackerman. Civil grand jury.

Existing law establishes a statutory scheme governing the functions of criminal and civil grand juries within the Penal Code.

This bill would relocate provisions relating to the civil grand jury to the Government Code. The bill would also amend and repeal various provisions of the Penal Code relating to the civil grand jury. This bill would also make conforming changes and nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Title 8.3 (commencing with Section 77800) is  
2 added to the Government Code, to read:  
3

## TITLE 8.3. CIVIL GRAND JURY

## CHAPTER 1. DEFINITIONS

77800. The definitions in this chapter apply to this title.

77801. “Civil grand jury” means a body of the required number of persons returned from the citizens of the county before the superior court of the county, and charged and sworn to investigate or inquire into county matters of civil concern.

77802. “Required number” means:

(a) Twenty-three in a county having a population exceeding 4,000,000.

(b) Eleven in a county having a population of 20,000 or less, upon the approval of the board of supervisors.

(c) Nineteen in all other counties. For purposes of this section, the population of a county shall be based upon the annual population estimates made by the Department of Finance pursuant to Section 13073.5.

77803. “Public offense” means a crime or public offense as defined in Section 15 of the Penal Code.

77804. “Indictment” means an accusation in writing, presented by a grand jury to a competent court, charging a person with a public offense.

## CHAPTER 2. GENERAL PROVISIONS

77811. Unless a higher fee or rate of mileage is otherwise provided by statute or county or city and county ordinance, the fees for civil grand jurors are fifteen dollars (\$15) a day for each day’s attendance as a grand juror, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a civil grand juror.

77812. The per diem and mileage of civil grand jurors where allowed by law shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court of the county.

77813. Every person who, by any means whatsoever, willfully and knowingly, and without consent of the civil grand jury, records, listens to, or observes, or attempts to record, listen

1 to, or observe, the proceedings of a civil grand jury of which he or  
2 she is not a member while the civil grand jury is deliberating or  
3 voting is guilty of a misdemeanor.

4 77814. The superior court shall arrange for a suitable meeting  
5 room and other support as the court determines is necessary for the  
6 civil grand jury. Any costs incurred by the court as a result of this  
7 section shall be absorbed by the court or the county from existing  
8 resources.

9  
10 CHAPTER 3. FORMATION OF CIVIL GRAND JURY

11  
12 Article 1. General Provisions

13  
14 77820. In all counties there shall be at least one civil grand  
15 jury drawn and impaneled in each year pursuant to Article 3  
16 (commencing with Section 77840).

17 77821. If a civil grand jury is not in existence, the Attorney  
18 General may demand the impaneling of a civil grand jury by those  
19 charged with the duty to do so, and upon demand, it shall be their  
20 duty to do so.

21 77822. Counties described in subdivision (b) of Section  
22 77802 may establish a combined civil and criminal grand jury with  
23 power to issue indictments; provided, however, that the process of  
24 selecting grand jurors for a combined grand jury shall comply with  
25 the requirements of Section 904.2 of the Penal Code.

26  
27 Article 2. Qualifications of Grand Jurors

28  
29 77830. (a) A person shall possess each of the following  
30 qualifications to be competent to act as a civil grand juror:

31 (1) Be a citizen of the United States of the age of 18 years or  
32 older who shall have been a resident of the state and of the county  
33 or city and county for one year immediately before being selected  
34 and returned.

35 (2) Be in possession of his or her natural faculties, of ordinary  
36 intelligence, of sound judgment, and of fair character.

37 (3) Have sufficient knowledge of the English language.

38 (b) A person is not competent to act as a grand juror if any of  
39 the following apply:

40 (1) The person is serving as a trial juror in any court of this state.

1 (2) The person has been discharged as a grand juror in any court  
2 of this state within one year.

3 (3) The person has been convicted of malfeasance in office or  
4 any felony or other high crime.

5 (4) The person is serving as an elected public officer.

6 77831. Sections 204, 218, and 219 of the Code of Civil  
7 Procedure specify the exemptions and the excuses which relieve  
8 a person from serving as a civil grand juror.

9  
10 Article 3. Selection of Jurors For Civil Grand Jury  
11

12 77840. A majority of the judges of the superior court shall  
13 adopt rules or instructions as may be necessary for the guidance of  
14 the jury commissioner in furnishing lists of persons who are  
15 qualified to serve on the civil grand jury. The rules or instructions  
16 shall specify whether names for the grand jury shall be selected  
17 from supervisorial districts of the county in proportion to the  
18 number of inhabitants therein, as nearly as the same can be  
19 estimated by the persons making the list, or from the county at  
20 large.

21 77841. The jury commissioner shall furnish the judges of the  
22 court annually a list of persons qualified to serve as civil grand  
23 jurors during the ensuing fiscal year of the county, or until a new  
24 list of jurors is required. The civil grand jury list shall be kept  
25 separate and distinct from the trial jury list.

26 77842. The jury commissioner shall diligently inquire and  
27 inform himself or herself with respect to the qualifications of  
28 persons resident in the county who may be summoned for civil  
29 grand jury duty. The jury commissioner may require any person  
30 to answer, under oath to be administered by the jury commissioner,  
31 any question regarding the person's name, age, residence,  
32 occupation, and qualifications to be a civil grand juror, and also  
33 any questions as to similar matters concerning others of whose  
34 qualifications for civil grand jury duty the person has knowledge.

35 The jury commissioner and his or her assistants shall have  
36 power to administer oaths for the purposes of this article and shall  
37 be allowed actual traveling expenses incurred in the performance  
38 of their duties. Such traveling expenses shall be audited, allowed,  
39 and paid out of the general fund of the county.

1 77843. The jury commissioner shall return to the judges of the  
2 superior court the list of persons recommended for service on the  
3 civil grand jury. The judges shall examine the jury list, and from  
4 that list, a majority of the judges may select, to serve as civil grand  
5 jurors in the superior court of the county during the ensuing year  
6 or until a new list of jurors is required, those persons who, in their  
7 opinion, should be selected for civil grand jury duty. The persons  
8 so selected shall, in the opinion of the judges selecting them, be  
9 persons suitable and competent to serve as jurors, as required by  
10 law.

11 77844. The judges are not required to select any names from  
12 the list returned by the jury commissioner pursuant to Section  
13 77843, but may, if in their judgment the due administration of  
14 justice requires, make all or any selections from among the body  
15 of persons in the county suitable and competent to serve as civil  
16 grand jurors regardless of the list returned by the jury  
17 commissioner.

18 77845. (a) The persons whose names are selected pursuant to  
19 Sections 77843 and 77844 shall be known as civil grand jurors, and  
20 shall serve for one year and until other persons are selected.

21 (b) If the superior court so decides, the presiding judge may  
22 name up to 10 civil grand jurors not previously so named, who  
23 served on the previous civil grand jury and who so consent, to  
24 serve for a second year.

25 (c) The court may also decide to select civil grand jurors  
26 pursuant to Section 77846.

27 77846. (a) Upon the decision of the superior court pursuant  
28 to Section 77845 to adopt this method of selecting civil grand  
29 jurors, when the required number of persons have been impaneled  
30 as the civil grand jury pursuant to law, the clerk shall write the  
31 names of each person on separate ballots. The clerk shall fold the  
32 ballots so that the names cannot be seen, place them in a box, and  
33 draw out half of the ballots, or in a county in which the number of  
34 civil grand jurors is uneven, one more than half. The persons  
35 whose names are on the ballots so drawn shall serve for 12 months  
36 until July 1 of the following year. The persons whose names are not  
37 on the ballots so drawn shall serve for six months until January 1  
38 of the following year.

39 (b) Each subsequent year, on January 2 and July 2, a sufficient  
40 number of civil grand jurors shall be impaneled to replace those

1 whose service concluded the previous day. Those persons  
2 impaneled on January 2, shall serve until January 1 of the  
3 following year. Those persons impaneled on July 2, shall serve  
4 until July 1 of the following year. A person may not serve on the  
5 civil grand jury for more than one year.

6 77847. (a) Except as otherwise provided in subdivision (b),  
7 a civil grand jury, the members of which are selected pursuant to  
8 this article, shall be impaneled and serve during the fiscal year of  
9 the county in the manner provided in this chapter.

10 (b) The board of supervisors of a county may provide that the  
11 civil grand jury shall be impaneled and serve during the calendar  
12 year. The board of supervisors shall provide for an appropriate  
13 transition from fiscal year term to calendar year term or from  
14 calendar year term to fiscal year term for the civil grand jury. The  
15 provisions of subdivisions (a) and (b) of Section 77845 may not  
16 be deemed a limitation on any appropriate transition provisions,  
17 as determined by resolution or ordinance, and, except as otherwise  
18 provided in this chapter, a transition grand jury may not serve more  
19 than 18 months.

#### 20 21 Article 4. Impaneling of Civil Grand Jury

22  
23 77850. A civil grand jury shall be impaneled when its  
24 membership has been selected and accepted pursuant to Section  
25 77853, the members of the civil grand jury have taken the oath  
26 provided in Section 77856, and the court has appointed the  
27 foreperson pursuant to Section 77857.

28 77851. When ordered by the superior court, the names of civil  
29 grand jurors shall be drawn, at random, from the names of persons  
30 selected as civil grand jurors pursuant to Sections 77843 and  
31 77844. The names shall be drawn, and the list of names certified  
32 and summoned, as is provided for drawing and summoning trial  
33 jurors. The names of any persons drawn who are subsequently  
34 impaneled upon the civil grand jury shall be removed from the list  
35 of persons selected as civil grand jurors. The names of any persons  
36 drawn who are not impaneled upon the civil grand jury shall  
37 remain on the list of persons selected as civil grand jurors.

38 77852. Any civil grand juror summoned, who willfully and  
39 without reasonable excuse fails to attend, may be attached and  
40 compelled to attend and the court may also impose a fine not



1 exceeding fifty dollars (\$50), upon which execution may issue. If  
2 the civil grand juror was not personally served, the fine may not  
3 be imposed until, upon an order to show cause, an opportunity has  
4 been offered for the grand juror to be heard.

5 77853. (a) If the required number of the persons summoned  
6 as civil grand jurors are present and not excused, the required  
7 number shall constitute the civil grand jury.

8 (b) If more than the required number of the persons summoned  
9 as civil grand jurors are present, the clerk shall: (1) write their  
10 names on separate ballots, which shall be folded so that the names  
11 cannot be seen, (2) place the ballots in a box, and (3) draw out the  
12 required number of them. The persons whose names are on the  
13 drawn ballots shall constitute the civil grand jury.

14 (c) If less than the required number of the persons summoned  
15 as civil grand jurors are present, the panel may be filled by the  
16 presiding judge, who shall select a sufficient number of qualified  
17 persons, at random, from the list of trial jurors in civil and criminal  
18 cases to constitute the grand jury. The persons selected shall be  
19 summoned as is provided for summoning trial jurors. If more of  
20 the persons summoned to complete a civil grand jury attend than  
21 are required, the requisite number shall be obtained by writing the  
22 names of those summoned and not excused on ballots, depositing  
23 them in a box, and drawing, as provided in subdivision (b).

24 77854. Before accepting a person drawn as a civil grand juror,  
25 the court shall be satisfied that the person is duly qualified to act  
26 as a civil grand juror. If a person is drawn and found to be qualified  
27 he or she shall be accepted unless the court, on the application of  
28 the juror and before being sworn, excuses the juror from service  
29 for any of the reasons prescribed in Section 77831.

30 77855. A challenge may not be made or allowed to the panel  
31 from which the civil grand jury is drawn, nor to an individual grand  
32 juror, except when made by the court for lack of qualification as  
33 provided in Section 77854.

34 77856. The following oath shall be taken by each member of  
35 a civil grand jury: "I do solemnly swear (affirm) that I will support  
36 the Constitution of the United States and of the State of California,  
37 and all laws made pursuant to and in conformity therewith, will  
38 diligently investigate and inquire into all county matters of civil  
39 concern. Further, I will not disclose any evidence brought before  
40 the civil grand jury, nor anything which I or any other civil grand



1 juror may say, nor the manner in which I or any other civil grand  
2 juror may have voted on any matter before the civil grand jury. I  
3 will keep the charge that will be given to me by the court.”

4 77857. From the persons summoned to serve as civil grand  
5 jurors and appearing, the court shall appoint a foreperson. The  
6 court shall also appoint a foreperson when the person already  
7 appointed is excused or discharged before the civil grand jury is  
8 dismissed.

9 77858. When, after the civil grand jury consisting of the  
10 required number of persons has been impaneled, the membership  
11 is reduced for any reason, the vacancies within an existing civil  
12 grand jury may be filled, so as to maintain the full membership at  
13 the required number of persons, by the clerk of the superior court  
14 in the same manner as members of the civil grand jury were  
15 originally selected. A person selected as a civil grand juror to fill  
16 a vacancy pursuant to this section may not vote as a civil grand  
17 juror on any matter upon which evidence has been taken by the  
18 civil grand jury prior to the time of his or her selection.

19  
20 CHAPTER 4. POWERS AND DUTIES OF CIVIL GRAND JURY

21  
22 Article 1. General Provisions

23  
24 77880. (a) When a civil grand jury is established, it shall be  
25 charged by the court. In doing so, the court shall give the civil  
26 grand jurors the information it deems proper, or is required by law,  
27 as to their duties, and as to any charges for public offenses returned  
28 to the court or likely to come before the civil grand jury.

29 (b) When a civil grand jury is impaneled, the judge of the  
30 superior court of the county, in addition to other matters requiring  
31 action, shall inform the jury of the provisions of Chapter 1  
32 (commencing with Section 23000) of Division 1 of Title 3, and  
33 Sections 24054 and 26525 of the Government Code, and instruct  
34 it to ascertain by a careful and diligent investigation whether those  
35 provisions have been complied with, and to note the result of the  
36 investigation in its report. At that time the judge shall also inform  
37 and charge the civil grand jury as to its powers, duties, and  
38 responsibilities pursuant to Article 3 (commencing with Section  
39 3060) of Chapter 7 of Division 4 of Title 1 of the Government  
40 Code, and Section 17006 of the Welfare and Institutions Code.



1 77881. (a) To assist a civil grand jury in the performance of  
2 its statutory duties regarding civil matters, the court, in  
3 consultation with the district attorney, the county counsel, and at  
4 least one former grand juror, shall ensure that a civil grand jury that  
5 considers or takes action on civil matters receives training that  
6 addresses, at a minimum, report writing, interviews, and the scope  
7 of the civil grand jury's responsibility and statutory authority.

8 (b) Any costs incurred by the court as a result of this section  
9 shall be absorbed by the court or the county from existing  
10 resources.

11 77882. (a) The civil grand jury may not spend money or incur  
12 obligations in excess of the amount budgeted for its investigative  
13 activities pursuant to this chapter by the county board of  
14 supervisors unless the proposed expenditure is approved in  
15 advance by the presiding judge of the superior court after the board  
16 of supervisors has been advised of the request.

17 (b) All expenses of the civil grand jurors incurred under this  
18 chapter shall be paid by the treasurer of the county out of the  
19 general fund of the county upon warrants drawn by the county  
20 auditor upon the written order of the judge of the superior court of  
21 the county.

22 77883. When the civil grand jury has been impaneled, sworn,  
23 and charged, it shall retire to a private room, except when  
24 operating under a finding pursuant to Section 77911, and inquire  
25 into the matters of civil concern cognizable by it. On the  
26 completion of the business before the civil grand jury or expiration  
27 of the term of prescribed service of one or more civil grand jurors,  
28 the court shall discharge it or the affected individual jurors.

29 77884. (a) Each civil grand jury shall choose its officers,  
30 except the foreperson, and shall determine its rules of proceeding.  
31 Adoption of its rules of procedure and all public actions of the civil  
32 grand jury, including adoption of final reports, shall be only with  
33 the concurrence of that number of grand jurors necessary to find  
34 an indictment pursuant to Section 940 of the Penal Code. Rules of  
35 procedure shall include guidelines for that civil grand jury to  
36 ensure that all findings included in its final reports are supported  
37 by documented evidence, including reports of contract auditors or  
38 consultants, official records, or interviews attended by no fewer  
39 than two grand jurors and that all problems identified in a final

1 report are accompanied by suggested means for their resolution,  
2 including financial, when applicable.

3 (b) If the foreperson of a civil grand jury is absent from any  
4 meeting or if he or she is disqualified to act, the civil grand jury  
5 may select a member of that body to act as foreperson pro tempore,  
6 who shall perform the duties, and have all the powers, of the  
7 regularly appointed foreperson in his or her absence or  
8 disqualification.

9 77885. (a) A civil grand juror who, except when required by  
10 a court, willfully discloses any evidence adduced before the grand  
11 jury, or anything that the civil grand juror or any other member of  
12 the civil grand jury has said, or in what manner he or she or any  
13 other civil grand juror has voted on a matter before them, is guilty  
14 of a misdemeanor.

15 (b) An interpreter for the disabled appointed to assist a member  
16 of the civil grand jury pursuant to Section 77912 who, except when  
17 required by a court, willfully discloses any evidence adduced  
18 before the civil grand jury, or anything that the interpreter or any  
19 member of the civil grand jury has said, or in what manner any civil  
20 grand juror has voted on a matter before them, is guilty of a  
21 misdemeanor.

22 77886. A civil grand juror shall keep secret whatever the civil  
23 grand juror or any other member of the civil grand jury has said,  
24 or in what manner he or she or any other civil grand juror has voted  
25 on a matter before them. A court may require a civil grand juror  
26 to disclose the testimony of a witness examined before the civil  
27 grand jury for the purpose of ascertaining whether the testimony  
28 is consistent with that given by the witness before the court, or to  
29 disclose the testimony given before the civil grand jury by a person  
30 upon a charge against that person for perjury in giving his or her  
31 testimony or upon trial therefor.

32 77887. A civil grand juror cannot be questioned for anything  
33 he or she may say or any vote he or she may give in the civil grand  
34 jury relating to a matter legally pending before the civil grand jury,  
35 except for a perjury of which he or she may have been guilty in  
36 making an accusation or giving testimony to his or her fellow  
37 jurors.

38 77888. Notwithstanding the provisions of Sections 77885 and  
39 77886, any civil grand jury, or, if the civil grand jury is no longer  
40 impaneled, the presiding judge of the superior court, may pass on



1 and provide the succeeding civil grand jury with any records,  
2 information, or evidence acquired by the civil grand jury during  
3 the course of any investigation conducted by it during its term of  
4 service, except any information or evidence that relates to a  
5 criminal investigation or that could form part or all of the basis for  
6 issuance of an indictment. Transcripts of testimony reported  
7 during any session of the civil grand jury shall be made available  
8 to the succeeding civil grand jury upon its request.

9 77889. As to any matter not subject to privilege, with the  
10 approval of the presiding judge of the superior court or the judge  
11 appointed by the presiding judge to supervise the civil grand jury,  
12 a civil grand jury may make available to the public part or all of  
13 the evidentiary material, findings, and other information relied  
14 upon by, or presented to, a civil grand jury for its final report in any  
15 civil grand jury investigation, provided that the name of any  
16 person, or facts that lead to the identity of any person who provided  
17 information to the civil grand jury, may not be released. Prior to  
18 granting approval pursuant to this section, a judge may require the  
19 redaction of any part of the evidentiary material, findings, or other  
20 information to be released to the public, including, but not limited  
21 to, the identity of witnesses and any testimony or materials of a  
22 defamatory or libelous nature.

23 If any civil grand jury shall, in its final report, comment upon  
24 any person or official who has not been indicted by that grand jury,  
25 those comments may not be deemed to be privileged.  
26

## 27 Article 2. Scope of Investigations

28  
29 77890. The civil grand jury is entitled to free access, at all  
30 reasonable times, to the public prisons, and to the examination,  
31 without charge, of all public records within the county.

32 77891. The powers and duties of the civil grand jury in  
33 connection with proceedings for the removal of district, county, or  
34 city officers are prescribed in Article 3 (commencing with Section  
35 3060) of Chapter 7 of Division 4 of Title 1 of the Government  
36 Code.

37 77892. (a) The civil grand jury may inquire into the case of  
38 every person imprisoned in the jail of the county on a criminal  
39 charge and not indicted.

1 (b) The civil grand jury shall inquire into the condition and  
2 management of the public prisons within the county.

3 (c) The civil grand jury shall inquire into the willful or corrupt  
4 misconduct in office of public officers of every description within  
5 the county.

6 77893. The civil grand jury may investigate and inquire into  
7 all sales and transfers of land, and into the ownership of land,  
8 which, under the state laws, might or should escheat to the State  
9 of California. For this purpose, the civil grand jury may summon  
10 witnesses before it and examine them and the records. The civil  
11 grand jury shall direct that proper escheat proceedings be  
12 commenced when, in the opinion of the civil grand jury, the  
13 evidence justifies those proceedings.

14 77894. The civil grand jury shall investigate and report on the  
15 operations, accounts, and records of the officers, departments, or  
16 functions of the county including those operations, accounts, and  
17 records of any special legislative district or other district in the  
18 county created pursuant to state law for which the officers of the  
19 county are serving in their ex officio capacity as officers of the  
20 districts. The investigations may be conducted on some selective  
21 basis each year, but the civil grand jury may not duplicate any  
22 examination of financial statements which has been performed by  
23 or for the board of supervisors pursuant to Section 25250. This  
24 provision may not be construed to limit the power of the civil grand  
25 jury to investigate and report on the operations, accounts, and  
26 records of the officers, departments, or functions of the county.  
27 The civil grand jury may enter into a joint contract with the board  
28 of supervisors to employ the services of an expert, as provided for  
29 in Section 77920.

30 77895. The civil grand jury may at any time examine the  
31 books and records of any incorporated city or joint powers agency  
32 located in the county. In addition to any other investigatory powers  
33 granted by this chapter, the civil grand jury may investigate and  
34 report upon the operations, accounts, and records of the officers,  
35 departments, functions, and the method or system of performing  
36 the duties of any city or joint powers agency and make  
37 recommendations as it deems proper.

38 The civil grand jury may investigate and report upon the needs  
39 of all joint powers agencies in the county, including the abolition  
40 or creation of agencies and the equipment for, or the method or

1 system of performing the duties of, the several agencies. It shall  
2 arrange for the transmission of a copy of any report to the  
3 governing body of any affected agency.

4 As used in this section, “joint powers agency” means an agency  
5 described in Section 6506 whose jurisdiction encompasses all or  
6 part of a county.

7 77896. A civil grand jury may at any time examine the books  
8 and records of a redevelopment agency, a housing authority,  
9 created pursuant to Division 24 (commencing with Section 33000)  
10 of the Health and Safety Code, or a joint powers agency created  
11 pursuant to Chapter 5 (commencing with Section 6500) of  
12 Division 7 of Title 1 of the Government Code, and, in addition to  
13 any other investigatory powers granted by this chapter, may  
14 investigate and report upon the method or system of performing  
15 the duties of the agency or authority.

16 77897. A civil grand jury may at any time examine the books  
17 and records of any special-purpose assessing or taxing district  
18 located wholly or partly in the county or the local agency  
19 formation commission in the county, and, in addition to any other  
20 investigatory powers granted by this chapter, may investigate and  
21 report upon the method or system of performing the duties of the  
22 district or commission.

23 77898. A civil grand jury may at any time examine the books  
24 and records of any nonprofit corporation established by or  
25 operated on behalf of a public entity the books and records of  
26 which it is authorized by law to examine, and, in addition to any  
27 other investigatory powers granted by this chapter, may  
28 investigate and report upon the method or system of performing  
29 the duties of the nonprofit corporation.

30 77899. A civil grand jury may, and when requested by the  
31 board of supervisors shall, investigate and report upon the needs  
32 for increase or decrease in salaries of the county-elected officials.  
33 A copy of the report shall be transmitted to the board of  
34 supervisors.

35 77900. The civil grand jury may investigate and report upon  
36 the needs of all county officers in the county, including the  
37 abolition or creation of offices and the equipment for, or the  
38 method or system of performing the duties of, the several offices.  
39 The investigation and report shall be conducted selectively each  
40 year. The civil grand jury shall arrange for a copy of the report to

1 be transmitted to each member of the board of supervisors of the  
2 county.

3  
4 Article 3. Conduct of Investigations  
5

6 77910. No persons other than civil grand jurors shall be  
7 permitted to be present during the expression of the opinions of the  
8 civil grand jurors, or the giving of their votes, on any matter before  
9 them.

10 77911. The civil grand jury acting through its foreperson and  
11 the attorney general or the district attorney may make a joint  
12 written request for public sessions of the civil grand jury. The  
13 request shall be filed with the superior court. If the court, or the  
14 judge, finds that the subject matter of the investigation affects the  
15 general public welfare, involving the alleged corruption,  
16 misfeasance, or malfeasance in office or dereliction of duty of  
17 public officials or employees or of any person allegedly acting in  
18 conjunction or conspiracy with the officials or employees in the  
19 alleged acts, the court or judge may make an order directing the  
20 civil grand jury to conduct its investigation in a session or sessions  
21 open to the public. The order shall state the finding of the court.  
22 The civil grand jury shall comply with the order.

23 The conduct of the investigation and the examination of  
24 witnesses shall be by the members of the civil grand jury and the  
25 district attorney.

26 The deliberation of the civil grand jury and its voting upon the  
27 investigation shall be in private session. The civil grand jury may  
28 find indictments based wholly or partially upon the evidence  
29 introduced at the public session.

30 77912. Any member of the civil grand jury who has a hearing,  
31 sight, or speech disability may request an interpreter if necessary  
32 to assist the juror in carrying out his or her duties. The request shall  
33 be filed with the superior court. If the court, or the judge, finds that  
34 an interpreter is necessary, the court shall make an order to that  
35 effect and may require by subpoena the attendance of any person  
36 before the civil grand jury as interpreter. If the services of an  
37 interpreter are necessary, the court shall instruct the civil grand  
38 jury and the interpreter that the interpreter is not to participate in  
39 the jury's deliberations in any manner except to facilitate  
40 communication between the disabled juror and the other jurors.

1 The court shall place the interpreter under oath not to disclose any  
2 civil grand jury matters, including the testimony of any witness,  
3 statements of any civil grand juror, or the vote of any civil grand  
4 juror, except in the due course of judicial proceedings.

5 77913. A subpoena requiring the attendance of a witness  
6 before the civil grand jury may be signed and issued by the district  
7 attorney, his or her investigator or, upon request of the civil grand  
8 jury, by any judge of the superior court, for witnesses whose  
9 testimony, in his or her opinion is material in an investigation  
10 before the civil grand jury, and for other witnesses as the civil  
11 grand jury, upon an investigation pending before them, may direct.

12 77914. (a) A civil grand jury may request a subject person or  
13 entity to come before the civil grand jury for the purpose of reading  
14 and discussing the findings of the civil grand jury report that  
15 relates to that person or entity in order to verify the accuracy of the  
16 findings prior to their release.

17 (b) During an investigation, the civil grand jury shall meet with  
18 the subject of that investigation regarding the investigation, unless  
19 the court, either on its own determination or upon request of the  
20 foreperson of the civil grand jury, determines that a meeting would  
21 be detrimental.

22 77915. The foreperson may administer an oath to any witness  
23 appearing before the civil grand jury.

24  
25 Article 4. Legal and Other Assistants for Grand Juries  
26

27 77920. (a) If, in the judgment of the civil grand jury, the  
28 services of one or more experts are necessary for the purposes of  
29 Article 2 (commencing with Section 77890), the civil grand jury  
30 may employ one or more experts, at an agreed compensation, to  
31 be first approved by the court. If, in the judgment of the civil grand  
32 jury, the services of assistants to experts are required, the civil  
33 grand jury may employ assistants, at a compensation to be agreed  
34 upon and approved by the court. Expenditures for the services of  
35 experts and assistants for the purposes of Section 77897 may not  
36 exceed the sum of thirty thousand dollars (\$30,000) annually,  
37 unless the expenditures shall also be approved by the board of  
38 supervisors.

39 (b) When making an examination of the books, records,  
40 accounts, and documents maintained and processed by the county



1 assessor, the civil grand jury, with the consent of the board of  
2 supervisors, may employ expert auditors or appraisers to assist in  
3 the examination. Auditors and appraisers, while performing  
4 pursuant to the directive of the civil grand jury, shall have access  
5 to all records and documents that may be inspected by the civil  
6 grand jury subject to the same limitations on public disclosure as  
7 apply to the civil grand jury.

8 (c) Any contract entered into by a civil grand jury pursuant to  
9 this section may include services to be performed after the  
10 discharge of the jury, but in no event may a jury contract for  
11 services to be performed later than six months after the end of the  
12 fiscal year during which the jury was impaneled.

13 (d) Any contract entered into by a civil grand jury pursuant to  
14 this section shall stipulate that the product of that contract shall be  
15 delivered on or before a time certain to the then-current civil grand  
16 jury of that county for use as that jury finds appropriate to its  
17 adopted objectives.

18 77921. (a) The civil grand jury may, at all times, request the  
19 advice of the court, or a judge thereof, the district attorney, the  
20 county counsel, or the Attorney General. Unless advice is  
21 requested, a judge of the court, or county counsel as to civil  
22 matters, may not be present during the sessions of the civil grand  
23 jury.

24 (b) The Attorney General may grant or deny a request for  
25 advice from the civil grand jury. If the Attorney General grants a  
26 request for advice from the civil grand jury, the Attorney General  
27 shall fulfill that request within existing financial and staffing  
28 resources.

29 77922. The district attorney of the county may at all times  
30 appear before the civil grand jury for the purpose of giving  
31 information or advice relative to any matter cognizable by the civil  
32 grand jury, and may interrogate witnesses before the civil grand  
33 jury whenever he or she thinks it necessary. When a charge against  
34 or involving the district attorney, or assistant district attorney, or  
35 deputy district attorney, or anyone employed by or connected with  
36 the office of the district attorney, is being investigated by the civil  
37 grand jury, the district attorney, or assistant district attorney, or  
38 deputy district attorney, or all or any one or more of them, may not  
39 be allowed to be present before the civil grand jury when that  
40 charge is being investigated, in an official capacity but only as a

1 witness, and he or she shall only be present while a witness and  
2 after his or her appearance as a witness shall leave the place where  
3 the civil grand jury is holding its session.

4 77923. When requested by the civil grand jury of any county,  
5 the Attorney General may employ special counsel and special  
6 investigators, whose duty it shall be to investigate and present the  
7 evidence in the investigation to the civil grand jury.

8 The services of the special counsel and special investigators  
9 shall be a county charge of the county.

10 77924. (a) When requested to do so by the civil grand jury of  
11 any county, the presiding judge of the superior court may employ  
12 special counsel and special investigators, whose duty it shall be to  
13 investigate and present the evidence of the investigation to the civil  
14 grand jury.

15 (b) Prior to the appointment, the presiding judge shall conduct  
16 an evidentiary hearing and find that a conflict exists that would  
17 prevent the local district attorney, the county counsel, and the  
18 Attorney General from performing the investigation. Notice of the  
19 hearing shall be given to each of them unless he or she is a subject  
20 of the investigation. The finding of the presiding judge may be  
21 appealed by the district attorney, the county counsel, or the  
22 Attorney General. The order shall be stayed pending the appeal  
23 made under this section.

24 (c) The authority to appoint is contingent upon the certification  
25 by the auditor-comptroller of the county, that the civil grand jury  
26 has appropriated sufficient funds to compensate the special  
27 counsel and investigator for services rendered pursuant to the court  
28 order. In the absence of a certification, the court has no authority  
29 to appoint. In the event the county board of supervisors or a  
30 member thereof is under investigation, the county has an  
31 obligation to appropriate the necessary funds.

32 77925. (a) In a county of the eighth class, as defined by  
33 Sections 28020 and 28029, upon a request by the civil grand jury,  
34 the presiding judge of the superior court may retain, in the name  
35 of the county, a special counsel to the grand jury. The request shall  
36 be presented to the presiding judge in camera, by an affidavit,  
37 executed by the foreperson of the civil grand jury, which specifies  
38 the reason for the request and the nature of the services sought, and  
39 which certifies that the appointment of the special counsel is  
40 reasonably necessary to aid the work of the civil grand jury. The

1 affidavit shall be confidential and its contents may not be made  
2 public except by order of the presiding judge upon a showing of  
3 good cause. The special counsel shall be selected by the presiding  
4 judge following submission of the name of the nominee to the  
5 board of supervisors for comment.

6 The special counsel shall be retained under a contract executed  
7 by the presiding judge in the name of the county. The contract shall  
8 contain the following terms:

9 (1) The types of legal services to be rendered to the civil grand  
10 jury. However, the special counsel's duties may not include any  
11 legal advisory, investigative, or prosecutorial service which by  
12 statute is vested within the powers of the district attorney, and that  
13 the special counsel may not perform any investigative or  
14 prosecutorial service whatsoever except upon advance written  
15 approval by the presiding judge which specifies the number of  
16 hours of these services, the hourly rate therefor, and the subject  
17 matter of the inquiry.

18 (2) The hourly rate of compensation of the special counsel for  
19 legal advisory services delivered, together with a maximum  
20 contract amount payable for all services rendered under the  
21 contract during the term thereof, and all service authorizations  
22 issued pursuant thereto.

23 (3) That the contract may be canceled in advance of the  
24 expiration of its term by the presiding judge pursuant to service  
25 upon the special counsel of 10 days' advance written notice.

26 (b) The maximum contract amount shall be determined by the  
27 board of supervisors and included in the civil grand jury's annual  
28 operational budget. The maximum amount shall be subject to  
29 increase by the presiding judge through contract amendment  
30 during the term thereof, subject to and in compliance with the  
31 procedure prescribed by Section 77882.

32 (c) The contract shall constitute a public record and shall be  
33 subject to public inspection and copying pursuant to the provisions  
34 of the California Public Records Act (Chapter 3.5 (commencing  
35 with Section 6250) of Division 7 of Title 1). However, at the sole  
36 discretion of the board of supervisors, any or all of the following  
37 steps may be taken:

38 (1) The nomination by the presiding judge, and any or all  
39 actions by the board of supervisors in commenting upon the  
40 nominee and the comments, may be made confidential.

(2) The deliberations and actions may be undertaken in meetings from which the public is excluded, and the communication containing comments may constitute a confidential record which is not subject to public inspection or copying except at the sole discretion of the board of supervisors. Moreover, any written authorization by the presiding judge pursuant to paragraph (1) of subdivision (a) shall constitute a confidential record which is not subject to public inspection or copying except in connection with a dispute concerning compensation for services rendered.

77926. The civil grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter. While his or her services are necessary, the interpreter may be present at the examination of witnesses before the grand jury. The compensation for services of the interpreter constitutes a charge against the county, and shall be fixed by the grand jury.

#### Article 5. Reports and Responses

77930. After investigating the books and accounts of the various officials of the county, as provided in the foregoing sections of this article, the civil grand jury may order the district attorney of the county to institute suit to recover any money that, in the judgment of the civil grand jury, may from any cause be due the county. The order of the civil grand jury, certified by the foreperson of the civil grand jury and filed with the county clerk of the county, shall be full authority for the district attorney to institute and maintain any such suit.

77931. A civil grand jury may not make a report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by that civil grand jury. A civil grand jury may not adopt as its own the recommendation of another civil grand jury unless the civil grand jury adopting the recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section.

77932. (a) Each civil grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate

1 subject may be submitted to the presiding judge of the superior  
2 court at any time during the term of service of a civil grand jury.  
3 A final report may be submitted for comment to responsible  
4 officers, agencies, or departments, including the county board of  
5 supervisors, when applicable, upon finding of the presiding judge  
6 that the report is in compliance with this title. For 45 days after the  
7 end of the term, the foreperson and his or her designees shall, upon  
8 reasonable notice, be available to clarify the recommendations of  
9 the report.

10 (b) One copy of each final report, together with the responses  
11 thereto, found to be in compliance with this title shall be placed on  
12 file with the county clerk and remain on file in the office of the  
13 county clerk. The county clerk shall immediately forward a true  
14 copy of the report and the responses to the State Archivist who  
15 shall retain that report and all responses in perpetuity.

16 (c) A civil grand jury shall provide to the affected agency a  
17 copy of the portion of the civil grand jury report relating to that  
18 person or entity two working days prior to its public release and  
19 after the approval of the presiding judge. No officer, agency,  
20 department, or governing body of a public agency shall disclose  
21 any contents of the report prior to the public release of the final  
22 report.

23 (d) No later than 90 days after the civil grand jury submits a  
24 final report on the operations of any public agency subject to its  
25 reviewing authority, the governing body of the public agency shall  
26 comment to the presiding judge of the superior court on the  
27 findings and recommendations pertaining to matters under the  
28 control of the governing body, and every elected county officer or  
29 agency head for which the civil grand jury has responsibility  
30 pursuant to subdivision (b) of Section 77880 shall comment within  
31 60 days to the presiding judge of the superior court, with an  
32 information copy sent to the board of supervisors, on the findings  
33 and recommendations pertaining to matters under the control of  
34 that county officer or agency head and any agency or agencies  
35 which that officer or agency head supervises or controls. In any  
36 city and county, the mayor shall also comment on the findings and  
37 recommendations. All of these comments and reports shall  
38 immediately be submitted to the presiding judge of the superior  
39 court who impaneled the civil grand jury. A copy of all responses  
40 to civil grand jury reports shall be placed on file with the clerk of



the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable civil grand jury final report by, and in the control of the currently impaneled civil grand jury, where it shall be maintained for a minimum of five years.

(e) As used in this section “agency” includes a department.

77933. (a) For purposes of subdivision (d) of Section 77932, as to each civil grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (d) of Section 77932, as to each civil grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe may not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the civil grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the civil grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all



1 aspects of the findings or recommendations affecting his or her  
2 agency or department.

3 77934. (a) Notwithstanding Section 77884, in a county  
4 having a population of 20,000 or less, a final report may be adopted  
5 and submitted pursuant to Section 77932 with the concurrence of  
6 a least 10 grand jurors if all of the following conditions are met:

7 (1) The civil grand jury consisting of 19 persons has been  
8 impaneled pursuant to law, and the membership is reduced from  
9 19 persons to fewer than 12 persons.

10 (2) The vacancies have not been filled pursuant to Section  
11 77858 within 30 days from the time that the clerk of the superior  
12 court is given written notice that the vacancy has occurred.

13 (3) A final report has not been submitted by the civil grand jury  
14 pursuant to Section 77932.

15 (b) Notwithstanding Section 77932, no responsible officers,  
16 agencies, or departments shall be required to comment on a final  
17 report submitted pursuant to this section.

18 77935. After investigating the books, accounts, and various  
19 officials of the county, as provided in this article, if the civil grand  
20 jury forms a reasonable and articulable suspicion of criminal  
21 wrongdoing it may notify the district attorney of the county or the  
22 sitting criminal grand jury of the county, if any, or it may continue  
23 its investigation and issue indictments in the same manner as a  
24 criminal grand jury pursuant to Chapter 3 (commencing with  
25 Section 914) of Title 4 of Part 2 of the Penal Code. The notification  
26 by the civil grand jury shall be in the form of a report, certified by  
27 the foreperson of the civil grand jury, and shall be full authority for  
28 the criminal grand jury to issue indictments and the district  
29 attorney to institute and maintain suit.

30 SEC. 2. Section 888 of the Penal Code is amended to read:

31 888. A grand jury is a body of the required number of persons  
32 returned from the citizens of the county before a court of  
33 competent jurisdiction, and sworn to inquire of public offenses  
34 committed or triable within the county.

35 ~~Each grand jury or, if more than one has been duly impaneled~~  
36 ~~pursuant to Sections 904.5 to 904.9, inclusive, one grand jury in~~  
37 ~~each county, shall be charged and sworn to investigate or inquire~~  
38 ~~into county matters of civil concern, such as the needs of county~~  
39 ~~officers, including the abolition or creation of offices for, the~~  
40 ~~purchase, lease, or sale of equipment for, or changes in the method~~



1 ~~or system of, performing the duties of the agencies subject to~~  
2 ~~investigation pursuant to Section 914.1.~~

3 SEC. 3. Section 904.4 of the Penal Code is repealed.

4 ~~904.4. (a) In any county having a population of more than~~  
5 ~~370,000 but less than 400,000 as established by Section 28020 of~~  
6 ~~the Government Code, the presiding judge of the superior court,~~  
7 ~~upon application by the district attorney, may order and direct the~~  
8 ~~drawing and impanelment at any time of one additional grand jury.~~

9 ~~(b) The presiding judge may select persons, at random, from~~  
10 ~~the list of trial jurors in civil and criminal cases and shall examine~~  
11 ~~them to determine if they are competent to serve as grand jurors.~~  
12 ~~When a sufficient number of competent persons have been~~  
13 ~~selected, they shall constitute the additional grand jury.~~

14 ~~(c) Any additional grand jury which is impaneled pursuant to~~  
15 ~~this section may serve for a period of one year from the date of~~  
16 ~~impanelment, but may be discharged at any time within the~~  
17 ~~one-year period by order of the presiding judge. In no event shall~~  
18 ~~more than one additional grand jury be impaneled pursuant to this~~  
19 ~~section at the same time.~~

20 ~~(d) Whenever an additional grand jury is impaneled pursuant~~  
21 ~~to this section, it may inquire into any matters that are subject to~~  
22 ~~grand jury inquiry and shall have the sole and exclusive~~  
23 ~~jurisdiction to return indictments, except for any matters that the~~  
24 ~~regular grand jury is inquiring into at the time of its impanelment.~~

25 ~~(e) If an additional grand jury is also authorized by another~~  
26 ~~section, the county may impanel the additional grand jury~~  
27 ~~authorized by this section, or by the other section, but not both.~~

28 SEC. 4. Section 904.6 of the Penal Code is repealed.

29 ~~904.6. (a) In any county or city and county, the presiding~~  
30 ~~judge of the superior court may order and direct the impanelment,~~  
31 ~~at any time, of one additional grand jury pursuant to this section.~~

32 ~~(b) The presiding judge shall select persons, at random, from~~  
33 ~~the list of trial jurors in civil and criminal cases and shall examine~~  
34 ~~them to determine if they are competent to serve as grand jurors.~~  
35 ~~When a sufficient number of competent persons have been~~  
36 ~~selected, they shall constitute the additional grand jury.~~

37 ~~(c) Any additional grand jury which is impaneled pursuant to~~  
38 ~~this section may serve for a period of one year from the date of~~  
39 ~~impanelment, but may be discharged at any time within the~~  
40 ~~one-year period by order of the presiding judge. In no event shall~~

~~more than one additional grand jury be impaneled pursuant to this section at the same time.~~

~~(d) Whenever an additional grand jury is impaneled pursuant to this section, it may inquire into any matters which are subject to grand jury inquiry and shall have the sole and exclusive jurisdiction to return indictments, except for any matters which the regular grand jury is inquiring into at the time of its impanelment.~~

~~(e) It is the intent of the Legislature that all persons qualified for jury service shall have an equal opportunity to be considered for service as criminal grand jurors in the county in which they reside, and that they have an obligation to serve, when summoned for that purpose. All persons selected for the additional criminal grand jury shall be selected at random from a source or sources reasonably representative of a cross section of the population which is eligible for jury service in the county.~~

SEC. 5. Section 905 of the Penal Code is repealed.

~~905. In all counties there shall be at least one grand jury drawn and impaneled in each year.~~

SEC. 6. Section 905.5 of the Penal Code is repealed.

~~905.5. (a) Except as otherwise provided in subdivision (b), the grand jury shall be impaneled and serve during the fiscal year of the county in the manner provided in this chapter.~~

~~(b) The board of supervisors of a county may provide that the grand jury shall be impaneled and serve during the calendar year. The board of supervisors shall provide for an appropriate transition from fiscal year term to calendar year term or from calendar year term to fiscal year term for the grand jury. The provisions of subdivisions (a) and (b) of Section 901 shall not be deemed a limitation on any appropriate transition provisions as determined by resolution or ordinance; and, except as otherwise provided in this chapter, no transition grand jury shall serve more than 18 months.~~

SEC. 7. Section 913 of the Penal Code is repealed.

~~913. If a grand jury is not in existence, the Attorney General may demand the impaneling of a grand jury by those charged with the duty to do so, and upon such demand by him, it shall be their duty to do so.~~

SEC. 8. Section 914 of the Penal Code is amended to read:

~~914. (a) When the grand jury is impaneled and sworn, it shall be charged by the court. In doing so, the court shall give the grand~~

1 jurors such information as it deems proper, or as is required by law,  
2 as to their duties, and as to any charges for public offenses returned  
3 to the court or likely to come before the grand jury.

4 ~~(b) To assist a grand jury in the performance of its statutory~~  
5 ~~duties regarding civil matters, the court, in consultation with the~~  
6 ~~district attorney, the county counsel, and at least one former grand~~  
7 ~~juror, shall ensure that a grand jury that considers or takes action~~  
8 ~~on civil matters receives training that addresses, at a minimum,~~  
9 ~~report writing, interviews, and the scope of the grand jury's~~  
10 ~~responsibility and statutory authority.~~

11 ~~(c) Any costs incurred by the court as a result of this section~~  
12 ~~shall be absorbed by the court or the county from existing~~  
13 ~~resources.~~

14 SEC. 9. Section 914.1 of the Penal Code is repealed.

15 ~~914.1. When a grand jury is impaneled, for purposes which~~  
16 ~~include the investigation of, or inquiry into, county matters of civil~~  
17 ~~concern, the judge of the superior court of the county, in addition~~  
18 ~~to other matters requiring action, shall call its attention to the~~  
19 ~~provisions of Chapter 1 (commencing with Section 23000) of~~  
20 ~~Division 1 of Title 3, and Sections 24054 and 26525 of the~~  
21 ~~Government Code, and instruct it to ascertain by a careful and~~  
22 ~~diligent investigation whether such provisions have been~~  
23 ~~complied with, and to note the result of such investigation in its~~  
24 ~~report. At such time the judge shall also inform and charge the~~  
25 ~~grand jury especially as to its powers, duties, and responsibilities~~  
26 ~~under Article 1 (commencing with Section 888) of Chapter 2, and~~  
27 ~~Article 2 (commencing with Section 925), Article 3 (commencing~~  
28 ~~with Section 934) of this chapter, Article 3 (commencing with~~  
29 ~~Section 3060) of Chapter 7 of Division 4 of Title 1 of the~~  
30 ~~Government Code, and Section 17006 of the Welfare and~~  
31 ~~Institutions Code.~~

32 SEC. 10. Section 914.5 of the Penal Code is repealed.

33 ~~914.5. The grand jury shall not spend money or incur~~  
34 ~~obligations in excess of the amount budgeted for its investigative~~  
35 ~~activities pursuant to this chapter by the county board of~~  
36 ~~supervisors unless the proposed expenditure is approved in~~  
37 ~~advance by the presiding judge of the superior court after the board~~  
38 ~~of supervisors has been advised of the request.~~

39 SEC. 11. Section 915 of the Penal Code is repealed.

1     ~~915. When the grand jury has been impaneled, sworn, and~~  
2 ~~charged, it shall retire to a private room, except when operating~~  
3 ~~under a finding pursuant to Section 939.1, and inquire into the~~  
4 ~~offenses and matters of civil concern cognizable by it. On the~~  
5 ~~completion of the business before the grand jury or expiration of~~  
6 ~~the term of prescribed service of one or more grand jurors, the~~  
7 ~~court shall discharge it or the affected individual jurors.~~

8     SEC. 12. Section 916 of the Penal Code is amended to read:

9     916. Each grand jury shall choose its officers, except the  
10 ~~foreman~~ *foreperson*, and shall determine its rules of proceeding.  
11 Adoption of its rules of procedure and all public actions of the  
12 grand jury, ~~whether concerning criminal or civil matters unless~~  
13 ~~otherwise prescribed in law, including adoption of final reports,~~  
14 ~~shall be only with the concurrence of that number of grand jurors~~  
15 ~~necessary to find an indictment pursuant to Section 940. Rules of~~  
16 ~~procedure shall include guidelines for that grand jury to ensure that~~  
17 ~~all findings included in its final reports are supported by~~  
18 ~~documented evidence, including reports of contract auditors or~~  
19 ~~consultants, official records, or interviews attended by no fewer~~  
20 ~~than two grand jurors and that all problems identified in a final~~  
21 ~~report are accompanied by suggested means for their resolution,~~  
22 ~~including financial, when applicable.~~

23     SEC. 13. Section 919 of the Penal Code is repealed.

24     ~~919. (a) The grand jury may inquire into the case of every~~  
25 ~~person imprisoned in the jail of the county on a criminal charge and~~  
26 ~~not indicted.~~

27     ~~(b) The grand jury shall inquire into the condition and~~  
28 ~~management of the public prisons within the county.~~

29     ~~(c) The grand jury shall inquire into the willful or corrupt~~  
30 ~~misconduct in office of public officers of every description within~~  
31 ~~the county.~~

32     SEC. 14. Section 920 of the Penal Code is repealed.

33     ~~920. The grand jury may investigate and inquire into all sales~~  
34 ~~and transfers of land, and into the ownership of land, which, under~~  
35 ~~the state laws, might or should escheat to the State of California.~~  
36 ~~For this purpose, the grand jury may summon witnesses before it~~  
37 ~~and examine them and the records. The grand jury shall direct that~~  
38 ~~proper escheat proceedings be commenced when, in the opinion~~  
39 ~~of the grand jury, the evidence justifies such proceedings.~~

40     SEC. 15. Section 921 of the Penal Code is repealed.

1     ~~921. The grand jury is entitled to free access, at all reasonable~~  
2 ~~times, to the public prisons, and to the examination, without~~  
3 ~~charge, of all public records within the county.~~

4     SEC. 16. Section 922 of the Penal Code is repealed.

5     ~~922. The powers and duties of the grand jury in connection~~  
6 ~~with proceedings for the removal of district, county, or city~~  
7 ~~officers are prescribed in Article 3 (commencing with Section~~  
8 ~~3060), Chapter 7, Division 4, Title 1, of the Government Code.~~

9     SEC. 17. Section 925 of the Penal Code is repealed.

10    ~~925. The grand jury shall investigate and report on the~~  
11 ~~operations, accounts, and records of the officers, departments, or~~  
12 ~~functions of the county including those operations, accounts, and~~  
13 ~~records of any special legislative district or other district in the~~  
14 ~~county created pursuant to state law for which the officers of the~~  
15 ~~county are serving in their ex officio capacity as officers of the~~  
16 ~~districts. The investigations may be conducted on some selective~~  
17 ~~basis each year, but the grand jury shall not duplicate any~~  
18 ~~examination of financial statements which has been performed by~~  
19 ~~or for the board of supervisors pursuant to Section 25250 of the~~  
20 ~~Government Code; this provision shall not be construed to limit~~  
21 ~~the power of the grand jury to investigate and report on the~~  
22 ~~operations, accounts, and records of the officers, departments, or~~  
23 ~~functions of the county. The grand jury may enter into a joint~~  
24 ~~contract with the board of supervisors to employ the services of an~~  
25 ~~expert as provided for in Section 926.~~

26    SEC. 18. Section 925a of the Penal Code is repealed.

27    ~~925a. The grand jury may at any time examine the books and~~  
28 ~~records of any incorporated city or joint powers agency located in~~  
29 ~~the county. In addition to any other investigatory powers granted~~  
30 ~~by this chapter, the grand jury may investigate and report upon the~~  
31 ~~operations, accounts, and records of the officers, departments,~~  
32 ~~functions, and the method or system of performing the duties of~~  
33 ~~any such city or joint powers agency and make such~~  
34 ~~recommendations as it may deem proper and fit.~~

35    ~~The grand jury may investigate and report upon the needs of all~~  
36 ~~joint powers agencies in the county, including the abolition or~~  
37 ~~creation of agencies and the equipment for, or the method or~~  
38 ~~system of performing the duties of, the several agencies. It shall~~  
39 ~~cause a copy of any such report to be transmitted to the governing~~  
40 ~~body of any affected agency.~~

1 As used in this section, “joint powers agency” means an agency  
2 described in Section 6506 of the Government Code whose  
3 jurisdiction encompasses all or part of a county.

4 SEC. 19. Section 926 of the Penal Code is repealed.

5 926. (a) If, in the judgment of the grand jury, the services of  
6 one or more experts are necessary for the purposes of Sections 925,  
7 925a, 928, 933.1, and 933.5 or any of them, the grand jury may  
8 employ one or more experts, at an agreed compensation, to be first  
9 approved by the court. If, in the judgment of the grand jury, the  
10 services of assistants to such experts are required, the grand jury  
11 may employ such assistants, at a compensation to be agreed upon  
12 and approved by the court. Expenditures for the services of experts  
13 and assistants for the purposes of Section 933.5 shall not exceed  
14 the sum of thirty thousand dollars (\$30,000) annually, unless such  
15 expenditures shall also be approved by the board of supervisors.

16 (b) When making an examination of the books, records,  
17 accounts, and documents maintained and processed by the county  
18 assessor, the grand jury, with the consent of the board of  
19 supervisors, may employ expert auditors or appraisers to assist in  
20 the examination. Auditors and appraisers, while performing  
21 pursuant to the directive of the grand jury, shall have access to all  
22 records and documents that may be inspected by the grand jury  
23 subject to the same limitations on public disclosure as apply to the  
24 grand jury.

25 (c) Any contract entered into by a grand jury pursuant to this  
26 section may include services to be performed after the discharge  
27 of the jury, but in no event may a jury contract for services to be  
28 performed later than six months after the end of the fiscal year  
29 during which the jury was impaneled.

30 (d) Any contract entered into by a grand jury pursuant to this  
31 section shall stipulate that the product of that contract shall be  
32 delivered on or before a time certain to the then-current grand jury  
33 of that county for such use as that jury finds appropriate to its  
34 adopted objectives.

35 SEC. 20. Section 927 of the Penal Code is repealed.

36 927. A grand jury may, and when requested by the board of  
37 supervisors shall, investigate and report upon the needs for  
38 increase or decrease in salaries of the county-elected officials. A  
39 copy of such report shall be transmitted to the board of supervisors.

40 SEC. 21. Section 928 of the Penal Code is repealed.

1     ~~928. Every grand jury may investigate and report upon the~~  
2 ~~needs of all county officers in the county, including the abolition~~  
3 ~~or creation of offices and the equipment for, or the method or~~  
4 ~~system of performing the duties of, the several offices. Such~~  
5 ~~investigation and report shall be conducted selectively each year.~~  
6 ~~The grand jury shall cause a copy of such report to be transmitted~~  
7 ~~to each member of the board of supervisors of the county.~~

8     SEC. 22. Section 929 of the Penal Code is repealed.

9     ~~929. As to any matter not subject to privilege, with the~~  
10 ~~approval of the presiding judge of the superior court or the judge~~  
11 ~~appointed by the presiding judge to supervise the grand jury, a~~  
12 ~~grand jury may make available to the public part or all of the~~  
13 ~~evidentiary material, findings, and other information relied upon~~  
14 ~~by, or presented to, a grand jury for its final report in any civil~~  
15 ~~grand jury investigation provided that the name of any person, or~~  
16 ~~facts that lead to the identity of any person who provided~~  
17 ~~information to the grand jury, shall not be released. Prior to~~  
18 ~~granting approval pursuant to this section, a judge may require the~~  
19 ~~redaction or masking of any part of the evidentiary material,~~  
20 ~~findings, or other information to be released to the public~~  
21 ~~including, but not limited to, the identity of witnesses and any~~  
22 ~~testimony or materials of a defamatory or libelous nature.~~

23     SEC. 23. Section 930 of the Penal Code is repealed.

24     ~~930. If any grand jury shall, in the report above mentioned,~~  
25 ~~comment upon any person or official who has not been indicted by~~  
26 ~~such grand jury such comments shall not be deemed to be~~  
27 ~~privileged.~~

28     SEC. 24. Section 931 of the Penal Code is repealed.

29     ~~931. All expenses of the grand jurors incurred under this~~  
30 ~~article shall be paid by the treasurer of the county out of the general~~  
31 ~~fund of the county upon warrants drawn by the county auditor~~  
32 ~~upon the written order of the judge of the superior court of the~~  
33 ~~county.~~

34     SEC. 25. Section 932 of the Penal Code is repealed.

35     ~~932. After investigating the books and accounts of the various~~  
36 ~~officials of the county, as provided in the foregoing sections of this~~  
37 ~~article, the grand jury may order the district attorney of the county~~  
38 ~~to institute suit to recover any money that, in the judgment of the~~  
39 ~~grand jury, may from any cause be due the county. The order of the~~  
40 ~~grand jury, certified by the foreman of the grand jury and filed with~~



~~the clerk of the superior court of the county, shall be full authority for the district attorney to institute and maintain any such suit.~~

SEC. 26. Section 933 of the Penal Code is repealed.

~~933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.~~

~~(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.~~

~~(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the~~

1 ~~county clerk, or the mayor when applicable, and shall remain on~~  
2 ~~file in those offices. One copy shall be placed on file with the~~  
3 ~~applicable grand jury final report by, and in the control of the~~  
4 ~~currently impaneled grand jury, where it shall be maintained for~~  
5 ~~a minimum of five years.~~

6 ~~(d) As used in this section “agency” includes a department.~~

7 ~~SEC. 27. Section 933.05 of the Penal Code is repealed.~~

8 ~~933.05.—(a) For purposes of subdivision (b) of Section 933, as~~  
9 ~~to each grand jury finding, the responding person or entity shall~~  
10 ~~indicate one of the following:~~

11 ~~(1) The respondent agrees with the finding.~~

12 ~~(2) The respondent disagrees wholly or partially with the~~  
13 ~~finding, in which case the response shall specify the portion of the~~  
14 ~~finding that is disputed and shall include an explanation of the~~  
15 ~~reasons therefor.~~

16 ~~(b) For purposes of subdivision (b) of Section 933, as to each~~  
17 ~~grand jury recommendation, the responding person or entity shall~~  
18 ~~report one of the following actions:~~

19 ~~(1) The recommendation has been implemented, with a~~  
20 ~~summary regarding the implemented action.~~

21 ~~(2) The recommendation has not yet been implemented, but~~  
22 ~~will be implemented in the future, with a timeframe for~~  
23 ~~implementation.~~

24 ~~(3) The recommendation requires further analysis, with an~~  
25 ~~explanation and the scope and parameters of an analysis or study,~~  
26 ~~and a timeframe for the matter to be prepared for discussion by the~~  
27 ~~officer or head of the agency or department being investigated or~~  
28 ~~reviewed, including the governing body of the public agency when~~  
29 ~~applicable. This timeframe shall not exceed six months from the~~  
30 ~~date of publication of the grand jury report.~~

31 ~~(4) The recommendation will not be implemented because it is~~  
32 ~~not warranted or is not reasonable, with an explanation therefor.~~

33 ~~(c) However, if a finding or recommendation of the grand jury~~  
34 ~~addresses budgetary or personnel matters of a county agency or~~  
35 ~~department headed by an elected officer, both the agency or~~  
36 ~~department head and the board of supervisors shall respond if~~  
37 ~~requested by the grand jury, but the response of the board of~~  
38 ~~supervisors shall address only those budgetary or personnel~~  
39 ~~matters over which it has some decisionmaking authority. The~~  
40 ~~response of the elected agency or department head shall address all~~

1 aspects of the findings or recommendations affecting his or her  
2 agency or department.

3 (d) A grand jury may request a subject person or entity to come  
4 before the grand jury for the purpose of reading and discussing the  
5 findings of the grand jury report that relates to that person or entity  
6 in order to verify the accuracy of the findings prior to their release.

7 (e) During an investigation, the grand jury shall meet with the  
8 subject of that investigation regarding the investigation, unless the  
9 court, either on its own determination or upon request of the  
10 foreperson of the grand jury, determines that such a meeting would  
11 be detrimental.

12 (f) A grand jury shall provide to the affected agency a copy of  
13 the portion of the grand jury report relating to that person or entity  
14 two working days prior to its public release and after the approval  
15 of the presiding judge. No officer, agency, department, or  
16 governing body of a public agency shall disclose any contents of  
17 the report prior to the public release of the final report.

18 SEC. 28. Section 933.06 of the Penal Code is repealed.

19 933.06. (a) Notwithstanding Sections 916 and 940, in a  
20 county having a population of 20,000 or less, a final report may be  
21 adopted and submitted pursuant to Section 933 with the  
22 concurrence of at least 10 grand jurors if all of the following  
23 conditions are met:

24 (1) The grand jury consisting of 19 persons has been impaneled  
25 pursuant to law, and the membership is reduced from 19 to fewer  
26 than 12.

27 (2) The vacancies have not been filled pursuant to Section  
28 908.1 within 30 days from the time that the clerk of the superior  
29 court is given written notice that the vacancy has occurred.

30 (3) A final report has not been submitted by the grand jury  
31 pursuant to Section 933.

32 (b) Notwithstanding Section 933, no responsible officers,  
33 agencies, or departments shall be required to comment on a final  
34 report submitted pursuant to this section.

35 SEC. 29. Section 933.1 of the Penal Code is repealed.

36 933.1. A grand jury may at any time examine the books and  
37 records of a redevelopment agency, a housing authority, created  
38 pursuant to Division 24 (commencing with Section 33000) of the  
39 Health and Safety Code, or a joint powers agency created pursuant  
40 to Chapter 5 (commencing with Section 6500) of Division 7 of

1 ~~Title 1 of the Government Code, and, in addition to any other~~  
2 ~~investigatory powers granted by this chapter, may investigate and~~  
3 ~~report upon the method or system of performing the duties of such~~  
4 ~~agency or authority.~~

5 SEC. 30. Section 933.5 of the Penal Code is repealed.

6 ~~933.5.— A grand jury may at any time examine the books and~~  
7 ~~records of any special purpose assessing or taxing district located~~  
8 ~~wholly or partly in the county or the local agency formation~~  
9 ~~commission in the county, and, in addition to any other~~  
10 ~~investigatory powers granted by this chapter, may investigate and~~  
11 ~~report upon the method or system of performing the duties of such~~  
12 ~~district or commission.~~

13 SEC. 31. Section 933.6 of the Penal Code is repealed.

14 ~~933.6.— A grand jury may at any time examine the books and~~  
15 ~~records of any nonprofit corporation established by or operated on~~  
16 ~~behalf of a public entity the books and records of which it is~~  
17 ~~authorized by law to examine, and, in addition to any other~~  
18 ~~investigatory powers granted by this chapter, may investigate and~~  
19 ~~report upon the method or system of performing the duties of such~~  
20 ~~nonprofit corporation.~~

21 SEC. 32. Section 934 of the Penal Code is amended to read:

22 934. (a) The grand jury may, at all times, request the advice  
23 of the court, or the judge thereof, the district attorney, ~~the county~~  
24 ~~counsel~~, or the Attorney General. Unless advice is requested, the  
25 judge of the court, ~~or county counsel as to civil matters, shall~~ *may*  
26 not be present during the sessions of the grand jury.

27 (b) The Attorney General may grant or deny a request for  
28 advice from the grand jury. If the Attorney General grants a request  
29 for advice from the grand jury, the Attorney General shall fulfill  
30 that request within existing financial and staffing resources.